

July 2, 2018

BY ELECTRONIC AND OVERNIGHT MAIL

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Re: Critically Important Pesticide SLN to Help Embattled Florida Citrus Industry

Dear Sir and Madame:

This letter requests your – and the Agency’s – support for a FIFRA Section 24(c) Special Local Need registration (SLN) for AgLogic 15GG, a granular insecticide containing 15% aldicarb, to control Asian citrus psyllid, citrus rust mites, spider mites, aphids and nematodes on Florida citrus. The SLN application was filed with the Florida Department of Agriculture and Consumer Services (FLDACS) on June 1, 2018 by AgLogic Chemical, LLC, the sole U.S. registrant of aldicarb.

The key facts are these:

1. The Florida citrus industry is on “the brink of annihilation” (Dr. Phillip Stansly, Professor of Entomology, U. Fl., 10/16/17 Letter). It has been ravaged by the citrus greening disease (HLB), transmitted by the Asian citrus psyllid (ACP), and there has been an **80% loss** in production of citrus statewide.¹
2. Florida growers are losing the battle against the spread of citrus greening disease. At best, the current toolbox of chemical treatments only modestly retards the advance of the disease, but does nothing to improve production. As stated by one grower: “Absent better tools citrus growers will be out of business soon!” (Tim Dooley, Vice President and General Manager, Blue Goose Growers, LLC, 10/11/17 Letter). The intensive use of foliar treatments to fight psyllids has also resulted in other pest problems, including the development of resistance as well as spikes in mite, weevil, and aphid populations.

¹. At the time HLB was first discovered in 2003-2004, Florida orange production totaled 242 million boxes. In April 2018, the USDA National Agricultural Statistics Service estimated that just 45 million boxes of oranges would be harvested in 2017-2018 – a decrease of 197 million boxes, or 81%. USDA/NASS, Citrus April Forecast 2017-2018 Season (April 10, 2018) *available at*: https://www.nass.usda.gov/Statistics_by_State/Florida/Publications/Citrus/Citrus_Forecast/2017-18/cit0418.pdf.

3. ***The Florida citrus industry – including the largest growers in the state – enthusiastically support an SLN registration for AgLogic 15GG.*** Indeed, several prominent growers have taken the unusual step of submitting both signed affidavits (Attachment 1) and letters (Attachment 2) detailing why they so urgently need aldicarb.² As they explain, a unique attribute of aldicarb is that it stimulates tree health and root growth and ***markedly increases fruit size and yield***, precisely what growers need now to stay in business. Aldicarb is also effective against many pests, including psyllids, mites and nematodes, among others. As one grower has testified: “Aldicarb would provide us a much needed new tool to fight ACP, while at the same time help us to manage increasing neonic resistance. Aldicarb should also increase pounds solids, which is critically important in the face of declining fruit production by trees infected with HLB.” (John Gose, General Manager, Lykes Bros. Inc.; 5/17/18 Affidavit).
4. Florida citrus growers are familiar with aldicarb because they used the product (under the trade name, TEMIK 15G) with great results for several decades (~1978-2010), until Bayer, the sole registrant, *voluntarily* cancelled the registration and withdrew from the market, pursuant to a well-publicized corporate decision to exit all WHO Class 1 products.
5. FLDACS has advised AgLogic that it will not approve the SLN unless it is assured that EPA will not disapprove it. It is our understanding that EPA has not yet had the opportunity to review the SLN, attached affidavits and other materials demonstrating the Special Local Need for aldicarb. However, we also understand that there have been early indications by staff members in EPA’s OPP that OPP is inclined to ***deny*** the SLN.

We submit that OPP’s current disinclination to approve the SLN is unjustified and contrary to the public interest. The following points may clarify why we believe this:

6. At the time Bayer cancelled its aldicarb registrations, EPA was concerned about possible dietary risks to infants and children from consumption of food and drinking water containing aldicarb residues. For this reason, AgLogic’s subsequently-obtained registration for AgLogic 15GG, which is approved for use on cotton, peanuts and certain other crops, did not include use on citrus.
7. Over the past several years, aldicarb has undergone Registration Review. During this process, AgLogic implemented significant changes to the product label that result in aggregate dietary exposures to aldicarb well below the 2010 EPA Level of Concern. EPA has recently issued an Interim Registration Review Decision concluding that aldicarb may continue to be registered.
8. To assist the Agency in its assessment of aldicarb, including for use on citrus under a Florida SLN, AgLogic commissioned Dr. Beth Mileson, Principal Scientific Consultant, TSG Consulting, to conduct an acute dietary exposure and risk assessment for aldicarb.

² For convenience, each attachment also includes a cover sheet highlighting relevant excerpts from the affidavits and letters, respectively.

This risk assessment was submitted to EPA earlier this year. Dr. Milesen's affidavit (included in Attachment 1) affirms that she conducted the risk assessment using models and methods identical to those used by EPA's risk assessors. The risk assessment demonstrates that 20% of the US citrus crop may be treated with aldicarb and dietary exposures (including food and water) for all sub-populations are well below any level of concern.

In short, there is no scientific basis for EPA to disapprove the SLN due to dietary risk.

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In summary, this SLN is critically important to a Florida citrus industry that desperately needs help. We urge you to take the steps necessary to ensure that OPP makes a full and fair assessment of the SLN, including its substantial benefits to American growers and consumers.

Time is of the essence. Application of AgLogic 15GG must occur during the dry season, which runs from mid-November through April at the latest. Even after the SLN is approved, several additional steps must be taken before applications can occur. Most important, AgLogic must identify applicators that have (or are willing to purchase) the necessary application equipment, and these applicators must be trained to ensure compliance with AgLogic's product stewardship program. Applicators must also petition FLDACS for permission to apply the product. Aldicarb has not been used on citrus since 2011, so considerable lead time is required to restart applications.

In furtherance of the process, AgLogic requests the opportunity to meet with the Agency as soon as possible to discuss the SLN and respond to any questions or concerns OPP may have. Depending on schedule, it is likely that one or more citrus growers and FLDACS officials will attend the meeting as well.

Thank you in advance for your attention to this important matter. Please do not hesitate to contact us if you have any questions or would like to discuss these issues further.

Sincerely,



James P. Rathvon
Cristen S. Rose
Counsel for AgLogic Chemical, LLC

Attachments

cc (by email and overnight mail):
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